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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,360	06/28/2001	Harukazu Fukami	001560-403	2680
7	590 09/23/2002			
Ronald K Grudziecki			EXAMINER	
Burns Doane Swecker & Mathis PO Box 1404 Alexandria, VA 22313-1404			TRUONG, TAMTHOM NGO	
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Alexandria, VA 22313-1707			ART UNIT	PAPER NUMBER
			1624	<u> </u>
		1	DATE MAILED: 09/23/2002	4
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner								
## Examiner   Tarithom N. Truong   1624   1		Application No.	Applicant(s)					
Tamhtom N. Truong  Tamhtom N. Truong  Tamhtom N. Truong  The MALING DATE of this communication appears on the cover sheet with the correspondence address  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION.  Extrement of time may be sensible under the proceibles of 3° CFR 1.138(a). In no event, however, may a reply be timely filled  The period for reply specified above is less than thinty (SI) days, a reply within the statutory informan of thinty (SI) days will be considered timely.  If the period for reply a specified above, the maximum statutory period will appear and policy (MONTH's from the malling date of this communication. If the period for reply a specified above, the maximum statutory period will appear and policy (MONTH's from the malling date of this communication. If the period for reply appear and the replace of the communication of the period of the specified by the Communication. If the period is the communication of the maximum statutory period will appear and the period of the communication. If the period is the communication of the maximum statutory period will appear and the period of the maximum statutory period will appear and the period of the maximum statutors. If the period of the maximum statutor is malling date of this communication, swell timely liked, may return a statutor of the period of the maximum statutors. It is a statutor of the maximum statutors are replaced to the maximum statutors. It is a statutor of the maximum statutors are replaced to the maximum statutors. It is a statutor of the maximum statutors are replaced to the maximum statutors. It is a statutor of the period of the p		09/869,360	FUKAMI ET AL.					
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Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Editability of tense may be available under the provisions of 37 CFR 1.38(a). In no overst, however, may a reply be simely filed  Editability of tense may be available under the provisions of 37 CFR 1.38(a). In no overst, however, may a reply be simely filed  Editability of the provision of the provision of 37 CFR 1.38(a). In no overst, however, may a reply be simely filed  If the particle for reply specified abover, the maximum statutory period will apply and state spire SEX (8) MONTHS from the mailing date of this communication.  Fastive to many within the set or controlled portion for reply with the set or controlled portion is provided to a controlled portion for reply with the set or controlled portion for reply with the set of the controlled portion is provided portion for the mailing date of this communication, which set or controlled portion for the mailing date of this communication.  15   Claim(s)   1-18 is/are pelacted to by the Examiner.  16   Claim(s)   1-18 are subjected to by the Examiner.  17   Claim(s)   1-18 are subjected to by the Examiner.  18   Claim(s)   1-18 are subjected to by the Examiner.  19   The proposed drawing correction filed on   1-18 is an expected portion to the date of the provisity under 35 U.S.C. § 119(a)-(d) or (f).  20   Cer		T						
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2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)  1-18 is/are pending in the application.  4a) Of the above claim(s)  is/are withdrawn from consideration.  5)  Claim(s)  is/are allowed.  6)  Claim(s)  is/are epiected.  7)  Claim(s)  is/are objected to.  8)  Claim(s)  1-18 are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on  is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on  is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b) Some * c) None of:  1.  Certified copies of the priority documents have been received in Application No.  paping application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
3   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4   Claim(s) 1-16 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5   Claim(s) is/are allowed.  6   Claim(s) is/are allowed.  6   Claim(s) is/are objected to.  8   Claim(s) 1-18 are subject to restriction and/or election requirement.  Application Papers  9   The specification is objected to by the Examiner.  10   The drawing(s) filed on is/are: a  accepted or b  objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11   The proposed drawing correction filed on is: a  approved b  disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12   The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13   Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)   All   b  Some * c  None of:  1.   Certified copies of the priority documents have been received in Application No  3.   Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a   The translation of the foreign language provisional application has been received.  14)   Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  10   Notice of References Cited (PTO-892)	1) Responsive to communication(s) filed on	<u> </u>						
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3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413) Paper No(s)	<ol> <li>Certified copies of the priority documents</li> </ol>	s have been received.						
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3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other:	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal F						

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## **DETAILED ACTION**

## Election/Restrictions

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

- a. Compounds of formula (1) with A as a monocyclic aryl.
- b. Compounds of formula (1) with A as a fused heterocyclic ring (i.e., when  $R^1$  and  $R^2$  together with the benzene form a fused heterocycle).

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamthom N. Truong whose telephone number is 703-305-4485. The examiner can normally be reached on M-F (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mukund Shah can be reached on 703-308-4716. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4556 for regular communications and 703-308-4556 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

PRIMMukund Shah

Supervisory Patent Examiner

Art Unit 1624

T. Truong

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September 20, 2002